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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,476	01/02/2001	Joan L. Carbrey Palango	ALPINE.001AUS	4172
7590 12/22/2005				
MURAMATSU & ASSOCIATES			EXAMINER	
Suite 310			POND, ROBERT M	
114 Pacifica			ART UNIT	
Irvine, CA 92618			3625	
			PAPER NUMBER	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/752,476		CARBREY PALANGO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Robert M. Pond		3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 October 2005 has been entered.

### ***Response to Amendment***

The Applicant amended claim 17. All pending claims 17-29 were examined in this non-final office action.

### ***Response to Arguments***

#### ***Pertaining to Rejection under 35 USC 103(a)***

Applicant's arguments filed 02 September 2005 have been fully considered but they are not persuasive. Henson teaches recommending products and displaying products based on pre-determined factors as noted in the office action. Henson teaches back and forth movement between web pages to complete the selection process. Henson and Crutchfield demonstrate products prior to building a system. Specifically, Crutchfield takes the mystery out of

shopping for a system by taking the shopper to a demonstration page on “How to build a system” or to details that demonstrate how a product performs (please see U: at least page 1).

Henson and Crutchfield further in view of Official Notice address the amended claim language. Henson in combination with Crutchfield display a) a main system (e.g. CPU) and a subsystem (e.g. monitor that connects to the main system), and further teach displaying selectable systems (i.e. other standalone computers that can be connected and subsystems that can connect). The Examiner's takes the position that displaying two or more different main systems and two or more different subsystems is clearly a design choice. For example, Henson alone provides two or more textual descriptions of subsystems (mandatory subsystems and optional subsystems) that connect with the main system. In Henson, the consumer chooses each component in serial build fashion and is therefore incrementally building a complete system. For each increment, the partially completed system could be obviously displayed in image format to depict the system configuration action taken. Furthermore, Henson teaches displaying an image of a main system with a subsystem and it is the Examiner's position that this teaching suggests the design can obviously show images of a variety of different main systems and subsystems since Dell Computer offers and describes a variety of main systems and subsystems for sell.

Pertaining to Official Notice (ON1, ON2) previously cited

The Applicant did not traverse the examiner's assertion of official notices. The common knowledge or well-known in the art statements are taken to be admitted prior art because applicant failed to traverse or adequately traverse the examiner's assertion of official notice (MPEP 2144.03(C)).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 17-20, 22-27, and 29 are rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383), in view of Crutchfield (Paper #5, PTO-892, Item: U), further in view of Official Notice (regarding within the skill, hereinafter referred to as "ON3").**

Henson teaches a web-based online store used by consumers to configure electronic products comprising a main system, sub-systems, and components (see at least abstract; Fig. 1(10); Fig. 2 (10, 38, 40); col. 2, line 60 through col. 3, line 54). Henson further teaches:

- Main system page: features page with main system and image: (see at least Fig. 3A; Fig. 4; col. 5, lines 32-35).

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- Subsystem page: e.g. memory, monitors, speakers; relationship information (see at least Fig. 3A-3b).
- Components page: e.g. memory; relationship information (see Fig. 5 (92); col. 9, lines 31-33).
- System connection: consumer connects to the web-based online store over the Internet (see at least Fig. 2 (10, 38, 40); col. 5, line 66 through col. 6, line 4).
- System validates selection: customer chooses subsystems and components recommended by the system; system validates selections (see at least col. 5, lines 28-54; col. 7, line 57 through col. 9, line 8).

Please note: customer component selections that result in system suggestions or required selection changes create a back and forth approach to determining a final configuration.

- Check-out page: (see at least Fig. 1 (20); Fig. 6 (102); col. 9, lines 26-39).
- Item pricing and total: (see at least Fig. 4 (70); Fig. 6 (104); col. 9, lines 26-39).
- Displaying based on price: e.g. memory (see at least Fig. 5 (92)).
- Please note: Henson displays a main system with a subsystem and displays two or more textual descriptions of subsystems (mandatory subsystems and optional subsystems) that connect with the main system displayed. The consumer chooses each component in serial build fashion and is therefore incrementally building a complete system.

- Recommended components: listed in an order of priority based on predetermined factors (e.g. memory size) (see at least Fig. 3A).

Henson teaches all the above as noted under the 103(a) rejection and teaches a web-based online store used by consumers to configure electronic products, but does not disclose a vehicle information page. Crutchfield teaches a web-based online store used by consumers to configure electronic audio products and home electronic products, and further teaches a vehicle information page that allows the system builder to “show the items that fit” (e.g. dashboard openings) (Item: U, pages 1 and 17) (please note the examiner considers Crutchfield to provide a teaching pertinent to Henson in light of the fact that both teach a system builder for configuring electronic products). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Henson to include a web store for electronic audio products and a vehicle information page as taught by Crutchfield, in order to determine compatible electronic audio products that fit a particular vehicle, and thereby attract consumers desiring to purchase automotive electronic audio products for their vehicles.

Henson teaches all the above as noted under the 103(a) rejection but does not disclose a demonstration screen. Crutchfield teaches all the above as noted under the 103(a) rejection and demonstrates products prior to building a system. Crutchfield teaches taking the mystery out of shopping for a system by taking the shopper to a demonstration page on “How to build a system” or to details that

demonstrate how a product performs (U: see at least page 1). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Henson, to provide a demonstration screen to instruction a customer how to build a system or a demonstration screen on how a product works as taught by Crutchfield, in order to help customers better understand how to use the system and better understand how products work, and thereby attract customers the service.

Henson teaches all the above as noted under the 103(a) rejection and teach a consumer making a selection from a main page which then presents a subsystem page and components page, but does not clearly convey hierarchical order to the component level. Crutchfield teaches all the above as noted under the 103(a) rejection and teaches hierarchical ordering (e.g. Car Audio, In-Dash CD Receivers, Accessories) (Item: U, see at least pages 1, 10, and 14). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Henson to include hierarchical ordering for products as taught by Crutchfield, in order to help customers find products, and thereby attract consumers desiring to purchase electronic products.

Henson teaches all the above as noted under the 103(a) rejection and teaches subsystems recommended to be installed into various cavities of the electronic product, but do not disclose determining a dashboard size. Inherent in Crutchfield are the structures necessary to permit the determination of dashboard size for electronic products. For example, Crutchfield teaches the right fit for



electronic products that fit into or onto a dashboard for a car based on at least the vehicle's year (U: see at least pages 1 and 17). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Henson to determine dashboard size as taught by Crutchfield, in order for customers to order the right size head unit(s) or speakers for their vehicles, and thereby increase customer satisfaction and sales for the online service.

Henson and Crutchfield teach all the above as noted under the 103(a) rejection and teach a) displaying a main system and subsystem in image format on the same web page, and b) displaying on the same web page in textual format two or more compatible systems or subsystems that can be ordered and configured with the main system, but do not specifically depict images of two or more different main systems and two or more different sub-systems. The Examiner takes the position that a) one of ordinary skill in the art would ascertain the displaying of two or more different main systems and two or more different subsystem is an obvious design choice motivated by prudent business practice to provide a customer convenience since Dell Computer sells two or more different main systems and two or more different subsystems. For example, the service could display an image of each system or subsystem option that is textually described that connects to the displayed main system to either show how it would be configured or how it is being configured as the customer makes component selections. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of

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Henson and Crutchfield to display more images on a web page as taught by ON3, in order to provide an additional customer convenience, and thereby attract customers to the service.

2. **Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383), Crutchfield (Paper #5, PTO-892, Item: U), and ON3 (regarding within the skill), as applied to claim 17, further in view of Official Notice (Paper #20050621, admitted prior art regarding well within the skill, hereinafter referred to as "ON1").**

Henson, Crutchfield, and ON3 teach all the above as noted under the 103(a) rejection and teach displaying main system images, but do not disclose displaying an image of every subsystem and component. It would have been obvious to one of ordinary skill in the art at time of the invention to display every subsystem and component, since it is well within the skill to ascertain that since the system is capable of displaying main system images, the system is therefore capable of displaying subsystem and component images.

3. **Claim 28 is rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #5, patent number 6,167,383), Crutchfield (Paper #5, PTO-892, Item: U), and ON3 (regarding within the skill), as applied to claim 17, further in view of Official Notice (Paper #20050621, admitted prior art regarding old and well-known, hereinafter referred to as "ON2").**

Henson, Crutchfield, and ON3 teach all the above as noted under the 103(a) rejection and teach recommending products based on compatibility with the customer's system (e.g. Henson validation, Crutchfield "right fit" based on car model and/or year), pricing (e.g. sells price, online specials), stocking availability, popularity (e.g. brand searching), but do not disclose displaying based on profitability. The Examiner takes the position that it is old and well-known in the arts for sellers to sell products based on profitability (e.g. sell products that have positive margin so the business can grow; sell product(s) at a loss to attract shopper traffic (loss leaders)). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Henson, Crutchfield, and ON3 to market products based on profitability as taught by ON2, in order for the online service to grow.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
December 20, 2005